

AUG. 31. 2004 10:09AM DJJ TSD

NO. 340 P. 3

HERZOG CONTRACTING CORP.

RECORDATION NO. 21618-B FILED

SEP 07 '04 3-35 PM

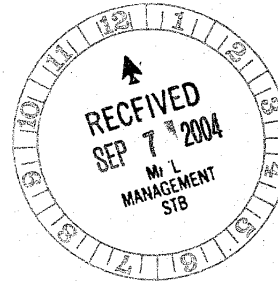
SURFACE TRANSPORTATION BOARD

600 S. RIVERSIDE RD.
P.O. BOX 1089
ST. JOSEPH, MO 64502
PHONE (816) 233-9001
FAX (816) 233-9881

WILLIAM E. HERZOG, PRESIDENT

August 30, 2004

Mr. Vernon Williams
Recordations Unit
SURFACE TRANSPORTATION BOARD
1925 K Street, N.W. - Suite 715
Washington, DC 20423-0006



RE: Release of Lien of Lease Agreement

Dear Mr. Williams:

Please find enclosed two (2) originals of the Release of Lien of Lease Agreement dated August 30, 2004 between the following two parties:

Lessor: Herzog Contracting Corp.
PO Box 1089
St. Joseph, MO 64502

Lessee: Union Pacific Railroad Company
1416 Dodge Street - Room 200
Omaha, NE 68179

The filing is to appear in index as follows: Release of Lien of Lease Agreement dated August 30, 2004 related to thirty-five (35) railcars bearing reporting marks HZGX 6965-6999, inclusive.

Please file this Agreement as a secondary document under Recordation Number 21618-A as it relates to documents previously filed with the Surface Transportation Board under Recordation Numbers 21618. The filing fee in the amount of \$30.00 is included in the enclosed check. Please return the original to my attention.

Should you have any questions or need further information, please do not hesitate to contact me at 816-233-9001.

Sincerely,

HERZOG CONTRACTING CORP.

David T. Mooney
David T. Mooney
Contract Administrator

/nm

Enclosures

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SURFACE TRANSPORTATION BOARD

RELEASE OF LIEN
OF
LEASE AGREEMENT

This Release of Lien of Lease Agreement (the "Release") releases the lien created by that certain Lease Agreement dated as of August 26, 1998 (the "Lease"), bearing Recordation No. 21618, and dated August 26, 1998 between **Herzog Contracting Corporation** as Lessor ("Lessor") and **Union Pacific Railroad Company**, as Lessee ("Lessee"); (such Lease hereinafter referred to as the "Lease") with respect to 35 railcars bearing reporting marks within the series HZGX 6965 through HZGX 6999, inclusive (hereinafter, the "Equipment").

WHEREAS, Lessor and Lessee executed the Lease relating to the Equipment. Such Lease expired November 26, 1998; and

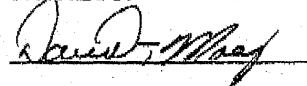
WHEREAS, Lessee has returned the Equipment to Lessor, and by such act, all interest of the Lessee, its successors and assigns, in the Equipment arising pursuant to the Lease has been terminated;

NOW, THEREFORE, in consideration of the premises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lessor submits the following:

1. Lessee has returned the Equipment to Lessor.
2. All interest of the Lessee, its successors and assigns, in the Equipment arising pursuant to the Lease has been terminated.
3. The Lessor hereby releases any lien created by or arising out of the Lease.
4. This Release shall be recorded with the Surface Transportation Board so as to record the release of the lien against the Equipment constituted by the Lease.

In witness whereof, the Lessor has caused this Release to be duly executed by its authorized officer as of the 30th day of August 2004.

WITNESS:



HERZOG CONTRACTING CORPORATION

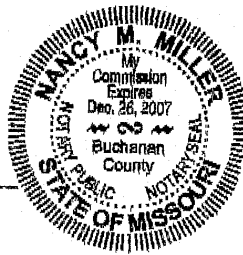
By: Name: Arthur W. Van MeterTitle: Vice President

STATE OF Missouri)
) SS:
COUNTY OF Buchanan)

The foregoing instrument was acknowledged before me this 30th of August 2004, by Arthur W. Van Meter, the Vice President of Herzog Contracting Corporation, a Missouri Corporation, on behalf of the company.

My Commission expires:

12/26/2007



Nancy M. Miller
Notary Public